

1 BARRY J. PORTMAN  
Federal Public Defender  
2 ANGELA M. HANSEN  
Assistant Federal Public Defender  
3 555 - 12th Street, Suite 650  
Oakland, CA 94607-3627  
4 Telephone: (510) 637-3500  
5 Counsel for Defendant CHOI  
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7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,	)	No. CR-10-00352 PJH
	)	
11 Plaintiff,	)	STIPULATED REQUEST TO CONTINUE
	)	HEARING DATE TO APRIL 13, 2011
12 v.	)	AND TO EXCLUDE TIME UNDER THE
	)	SPEEDY TRIAL ACT AND ORDER
13	)	
14 TAE SON LEE	)	
JONG MOON CHOI	)	Hearing Date: February 2, 2011
15 KWANG IL SONG,	)	Time: 9:30 a.m.
	)	
16 Defendants.	)	<b><u>The Honorable Donna M. Ryu</u></b>

17  
18 The above-captioned matter is set on February 2, 2011 before this Court for a status  
19 hearing. The parties jointly request that the Court continue the matter to April 13, 2011 at 9:30  
20 a.m. before the sitting United States Magistrate Judge, and that the Court exclude time under the  
21 Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between February 2, 2011 and April  
22 13, 2011.

23 On April 29, 2010, the Grand Jury charged defendants in a fifty-count indictment with  
24 conspiracy, tax evasion and structuring, in violation of 18 U.S.C. § 371, 26 U.S.C. § 7201 and 31  
25 U.S.C. § 5324(a)(3). Defendants face five years imprisonment on each count.

26 The parties last appeared before the Court on June 29, 2010, when Mr. Choi made his

1 initial appearance in this district. Discovery had not yet been produced, and, at the hearing, the  
2 Court ordered the parties to meet and confer regarding the government's proposed protective  
3 order. On July 23, 2010, the parties agreed upon a protective order and a motion to unseal the  
4 search warrant affidavit, which the Court signed on July 26, 2010.

5 The current status of the discovery is that the government produced the search warrant  
6 affidavit, and, on September 16, 2010, it also produced a voluminous amount of electronic  
7 discovery (approximately 23 thousand pages). Additionally, there are over sixty banker's boxes  
8 of documents in the possession of the government that the defense will need time to index and  
9 review once the parties have completed a review of the electronic discovery and can agree on a  
10 protocol. Given the voluminous amount of discovery to review in this case, the parties request a  
11 further continuance until April 13, 2011.

12 The requested continuance will allow defense counsel to continue to review the  
13 electronic discovery, to investigate the underlying facts of the case, and to obtain and review  
14 additional records on behalf of their clients. For this reason, the parties agree that the failure to  
15 grant this continuance would unreasonably deny counsel for defendants the reasonable time  
16 necessary for effective preparation, taking into account the exercise of due diligence.

17 The parties further stipulate and agree that the ends of justice served by this continuance  
18 outweigh the best interest of the public and the defendants in a speedy trial. Accordingly, the  
19 parties agree that the period of time from February 2, 2011 until April 13, 2011, should be  
20 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A)  
21 and (B)(iv), for effective preparation of defense counsel, taking into account the exercise of due  
22 diligence.

23 DATED: January 27, 2011

\_\_\_\_\_  
24 /S/  
ANDREW HUANG  
Assistant United States Attorney

1 DATED: January 28, 2011

/S/  
CHRISTOPHER J. CANNON  
Counsel for Defendant Song

3 DATED: January 28, 2011

/S/  
MARTIN A. SCHAINBAUM  
BRYANT W.H. SMITH  
Counsel for Defendant Lee

6 DATED: January 28, 2011

/S/  
ANGELA M. HANSEN  
Assistant Federal Public Defender  
Counsel for Defendant Choi

9 I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/)  
10 within this e-filed document.

/S/ ANGELA M. HANSEN

**ORDER**

Based on the reasons provided in the stipulation of the parties above, the Court hereby  
FINDS:

1. Given that the parties agreed to a protective order in late July 2010 and that the government produced a voluminous amount of electronic discovery (approximately 23 thousand pages) on September 16, 2010;

2. Given that there are over sixty banker's boxes of documents that the defense will need to index and review once the parties have completed a review of the electronic discovery and can agree to a protocol;

3. Given the need for a lengthy continuance due to the voluminous amount of discovery in this case and the complex nature of the fifty-count indictment;

4. Given that a complete review of the discovery is necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;

5. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendants in a speedy trial;

Based on these findings, IT IS HEREBY ORDERED that the STATUS date of February 2, 2011 scheduled at 9:30 a.m., before the Honorable Laurel Beeler, is vacated and reset for April 13, 2011, at 9:30 a.m., before the sitting United States Magistrate Judge. It is FURTHER ORDERED that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from February 2, 2011 until April 13, 2011.

DATED: 1/31/11



DONNA M. RYU  
United States Magistrate Judge